



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

May 5, 2016

Ms. Jessica Marsh
General Counsel
Texas Civil Commitment Office
Mail Code 4300
P. O. Box 149347
Austin, Texas 78714-9347

OR2016-10196

Dear Ms. Marsh:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 610792.

The Texas Civil Commitment Office (the "office") received a request for specified categories of information pertaining to office treatment programs, contracts, and client health care. The office states it does not have some of the requested information.¹ The office also states it has provided some of the requested information to the requestor, but claims some of the submitted information is excepted from disclosure under section 552.101 of the Government Code. The office does not take a position as to whether the remaining information is excepted from disclosure under the Act. However, the office states, and provides documentation showing, it notified Counseling & Psychotherapy Center, Inc. and Correct Care, LLC ("Correct Care") of the office's receipt of the request for information and of their right to submit arguments to this office as to why the requested information should not be released. *See* Gov't Code § 552.305(d); *see also* Open Records Decision No. 542 at 3 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in the Act in certain circumstances). We have received correspondence from Correct Care objecting to the release of some of the

¹The Act does not require a governmental body to disclose information that did not exist when the request for information was received. *See generally Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. App.—San Antonio 1978, writ dismissed).

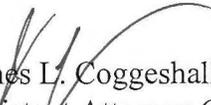
submitted information. We have considered the claimed exceptions and reviewed the submitted information. We have also considered comments submitted by the requestor. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

The office informs us the submitted information was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2016-02686 (2016). In Open Records Letter No. 2016-02686, we determined the office must withhold some information under section 552.101 of the Government Code in conjunction with sections 418.176 and 418.181 of the Government Code and under section 552.110(b) of the Government Code, but must release the remaining information. The office states the law, facts, or circumstances on which the prior ruling was based have not changed. Accordingly, the office must continue to rely on Open Records Letter No. 2016-02686 as a previous determination and withhold or release the identical information in accordance with that ruling.²

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/eb6

²*See* Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure). As our ruling is dispositive, we do not address the arguments of the office to withhold this information.

Ref: ID# 610792

Enc. Submitted documents

c: Requestor
(w/o enclosures)

3 Third Parties
(w/o enclosures)